

November 3, 2010

**MINUTES OF A REGULAR MEETING OF  
THE TORRANCE PLANNING COMMISSION**

**1. CALL TO ORDER**

The Torrance Planning Commission convened in a regular session at 7:01 p.m. on Wednesday, November 3, 2010 in City Council Chambers at Torrance City Hall.

**2. SALUTE TO THE FLAG**

The Pledge of Allegiance was led by Commissioner Skoll.

**3. ROLL CALL**

Present: Commissioners Busch, Gibson, Skoll, Uchima, Weideman and Chairperson Horwich.

Absent: Commissioner Browning.

Also Present: Planning Manager Lodan, Planning Assistant Yumul, Plans Examiner Noh, Associate Civil Engineer Symons, Fire Marshal Kazandjian and Assistant City Attorney Sullivan.

**MOTION:** Commissioner Weideman moved to grant Commissioner Browning an excused absence from this meeting. The motion was seconded by Commissioner Skoll and passed by unanimous voice vote.

**4. POSTING OF THE AGENDA**

Planning Manager Lodan reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard on Thursday, October 29, 2010.

**5. APPROVAL OF MINUTES**

**MOTION:** Commissioner Uchima moved to approve the October 6, 2010 Planning Commission minutes as submitted. The motion was seconded by Commissioner Weideman and passed by unanimous roll call vote (absent Commissioner Browning).

**6. REQUESTS FOR POSTPONEMENTS – None.**

**7. ORAL COMMUNICATIONS #1**

**7A.** Jim Delurgio, 209 Via El Toro, reported that his project (PRE09-00007) was approved by the City Council on appeal, but he has concerns about two conditions that were added, which prohibit the addition of permanent structures over 6-feet in height in the rear yard and restrict the height of vegetation to the height of existing property line walls. He explained that he requested that these conditions be removed pursuant to TMC §92.28.1, which provides for the modification or elimination of conditions of approval; that the Planning Director determined that he could not remove the conditions

via the minor modification process; and that he subsequently attempted to file an appeal of the Planning Director's decision as provided for in TMC §92.28.4, but the City Clerk's office refused to accept it on the advice of the City Attorney's office. He stated that he was later notified that he must file a new development application and pay \$2906 in fees, but this is not mentioned in the Code and he was now requesting that the Planning Commission accept the appeal form and schedule a hearing on this matter.

Assistant City Attorney Sullivan advised that the Commission may not accept appeals as they must be filed with the City Clerk and that staff has explained to Mr. Delurgio why the appeal was rejected.

Chairperson Horwich asked if the fees for the new application could be waived, and Assistant City Attorney Sullivan reported that the waiving of fees was under the purview of the City Council.

Mr. Delurgio reiterated his request that the Commission accept his appeal form.

Chairperson Horwich explained that the Commission was bound by the decision of the City Attorney's office and therefore could not accept the appeal.

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Chairperson Horwich reviewed the policies and procedures of the Planning Commission, including the right to appeal decisions to the City Council.

8. **TIME EXTENSIONS** – None.

9. **CONTINUED HEARINGS**

9A. **MOD10-00008: ROBERT SADEGHI**

Planning Commission consideration for approval of a Modification of previously approved Conditional Use Permit (CUP68-32) and Precise Plan of Development (PRE05-00047) to allow the addition of a drive-thru carwash on property located in the C3-PP Zone at 5404 190<sup>th</sup> Street.

**Recommendation:** Approval

Planning Assistant Yumul introduced the request and noted supplemental material consisting of correspondence received after the agenda item was completed.

Robert Sadeghi, owner of West Torrance Union 76, 5404 190<sup>th</sup> Street, reported that in response to concerns discussed at the October 6, 2010 Planning Commission meeting, the layout of the carwash has been redesigned and an acoustical study was completed confirming that the carwash will comply with Torrance's Noise Ordinance. He discussed outreach efforts, explaining that he met with representatives of the Woodlake Apartments and Patio Creek Homeowners Association and provided them with copies of the new layout, the acoustical study and photographs of a carwash at a gas station in La Palma that uses the same technology. He stated that he personally offered to take them to La Palma so they could see the carwash in action, but no one took him up on the offer and that he also offered to go door-to-door at the Woodlake Apartments distributing information packets and answering questions, but was told that this was not necessary.

With regard to concerns about the project's impact on traffic and parking, Mr. Sadeghi explained that only 4 customers per hour are expected to use the carwash and most of these will be existing customers so the project will have no impact on traffic and there is ample parking on-site so there will be no need for customers to park on the street. He voiced his agreement with the recommended conditions of approval and noted that numerous customers have signed petitions in support of the carwash, including residents of the Woodlake apartments and the surrounding area.

Commissioner Busch pointed out that several of the people who signed petitions in support of the carwash do not live in Torrance and indicated that he gives more weight to petitions signed by residents.

Commissioner Busch asked about the timeframe for completing the project, and Sean Nourani, AP & E Architects, project architect, reported that drawings will take 30-40 days to complete and construction should take 4-6 months.

Steve Materi, 5301 Halison Street, stated that he is a customer of the gas station and supports the carwash and believes the applicant has done a good job of improving the site.

Richard Welter, representing Don Wilson Builders, owner of Woodlake Apartments, stated that while the redesigned layout was an improvement, he was still concerned about noise. Referring to written material submitted for the record, he voiced his opinion that the acoustical study was seriously flawed. He maintained that the consultant who performed the acoustical study misapplied the Torrance Municipal Code and incorrectly stated that noise levels are limited to 60 dBA daytime/55 dBA nighttime when in fact they are limited to 55 dBA daytime/50 dBA nighttime. He questioned why ambient noise levels were measured between 8:00 – 9:00 p.m. when the carwash will not be operating at this time and suggested that the measurements should have been taken at peak traffic between 5:00-6:00 p.m. He stated that the service station already exceeds noise limits, but he was not asking for the problem to be corrected, only that it not be compounded by adding the carwash. He reported that he visited the La Palma carwash and observed that the doors did not always close when the carwash was in operation as evidenced by a photograph he submitted.

In response to Commissioner Weideman's inquiry, Planning Manager Lodan reported that Environmental Division staff reviewed the calculations in the acoustical study and determined that the project complies with the Noise Ordinance. He explained that ambient noise levels are measured at off-peak traffic hours because this is the more conservative approach since noise impact from machinery/equipment is exaggerated when there is less noise from traffic. He noted that the study assumes that noise mitigation measures are in place and working properly.

Commissioner Weideman questioned whether another acoustical study would be done after the carwash is operational to confirm that it complies with noise limits. Planning Manager Lodan advised that this typically is not done but could be added as a condition of approval and should the carwash exceed noise limits, additional mitigation measures would be required.

In response to Commissioner Busch's inquiry, Mr. Welter stated that he did not know whether the gas station or the carwash was built first as both were approved

around the same time. He reported that approximately 20 apartments are affected by the project and related his belief that rents will eventually have to be lowered for these units due to noise from the carwash.

Trish Rutt, Redondo Beach, expressed support for the carwash.

Maria Jaques, 5244 W. 190<sup>th</sup> Street, stated that she has lived next to this gas station for 30 years and expressed concerns that the proposed project will bring more traffic and noise to this already congested intersection, increase the number of traffic accidents, and reduce the value of her property. She contended that the applicant was trying to cram too much on this property, relating her understanding that he was also proposing to add a fast food restaurant.

Commissioner Weideman noted that a fast food restaurant would require another application and Planning Commission approval. He questioned whether the gas station used to have an auto repair shop, and Ms. Jaques stated that she could not recall.

Ms. Jaques suggested that there was no need for another carwash since there are already 10 carwashes within 2 miles of the subject property.

Chairperson Horwich indicated that he was not in favor of limiting competition.

Michelle Rosenberg, 29020 Entradero, expressed concerns about the project's impact on traffic and parking. She stated that she recently had her home appraised in conjunction with refinancing and the primary reason given for reducing the value of her home was traffic noise. She also expressed concerns that delivery trucks will end up blocking Entradero since there will be no room to park on-site. She urged the Commission not to give much weight to petitions signed by people who do not live in the immediate area.

Ara Kizirian, 5129 Towers Street, voiced support for the carwash, explaining that other carwashes in the area do not have dryers so he currently uses a carwash in Redondo Beach. He related his experience that the applicant operates a well-run service station and suggested that business owners should be allowed to do what they can to improve business in a down economy.

Returning to the podium, Mr. Sadeghi reported that the consultant who performed the acoustical study was selected because he has done studies for other carwashes and has previous experience working with the City of Torrance and the hours used for measuring ambient noise were recommended by Environmental Division staff. He stated that the La Palma carwash is only required to keep exit doors closed during operation which explains why Mr. Welter observed it operating with doors open; maintained that noise from the proposed carwash with both entrance and exits doors closed will be negligible; and offered to shut down the carwash should the doors malfunction. He noted that this gas station had an auto repair garage until 2006 with doors directly facing the apartments and the proposed carwash will be much quieter by comparison. He disputed the idea that the carwash would reduce property values and suggested that to the contrary, it would be seen as an added convenience. He reported that traffic accidents at the 190<sup>th</sup> Street/Entradero intersection have been greatly reduced since the installation of a new traffic signal approximately one year ago. He stated that he had no intention of adding a fast food restaurant to this site.

Commissioner Busch noted his disagreement with Mr. Sadeghi's contention that the carwash would enhance property values, relating his experience that this is not something an appraiser would consider.

**MOTION:** Commissioner Weideman moved to close the public hearing. The motion was seconded by Commissioner Busch and passed by unanimous roll call vote (absent Commissioner Browning).

Voicing support for the project, Commissioner Weideman stated that he was not particularly concerned about noise due to the acoustical study confirming compliance with noise limits and while he had been concerned about on-site circulation, he felt that this issue has been addressed by relocating the carwash to the back of the existing structure.

Commissioner Skoll indicated that he also supported the project and believed the applicant had made a concerted effort to address neighbor's concerns and mitigate the project's impact.

Commissioner Uchima proposed adding a condition requiring all delivery trucks to park on-site during deliveries to avoid blocking traffic on Entradero.

**MOTION:** Commissioner Weideman moved to approve MOD10-00008, as conditioned, including all findings set forth by staff, with the following modifications:

**Add**

- That a noise study shall be performed after the carwash has been installed to verify that it complies with the Noise Ordinance.
- That the carwash shall be shutdown if entry/exit doors are not operational.
- That all deliveries shall occur on-site.

The motion was seconded by Commissioner Skoll and passed by a 4-2 roll call vote, with Commissioners Busch and Gibson dissenting (absent Commissioner Browning).

Planning Assistant Yumul read aloud the number and title of Planning Commission Resolution No. 10-059.

**MOTION:** Commissioner Weideman moved to adopt Planning Commission Resolution No. 10-059 as amended. The motion was seconded by Commissioner Skoll and passed by a 4-2 roll call vote, with Commissioners Busch and Gibson dissenting (absent Commissioner Browning).

10. **WAIVERS** – None.

11. **FORMAL HEARINGS**

11A. **DIV10-00006: CITY OF TORRANCE**

Planning Commission consideration for approval of a Division of Lot for a lot-line adjustment between lots 12, 38, 39 and 189 of Tract 19108 on properties located in the PU and R-1 Zones between Kathryn and Anza Avenues on the north side of Seaside Heroes Park.

**DIV10-00007: CITY OF TORRANCE**

Planning Commission consideration for approval of a Division of Lot for a lot-line adjustment between lots 81, 82, 86 and 127 of Tract 19245 on properties located in the PU and R-1 Zones between Kathryn and Anza Avenues on the south side of Seaside Heroes Park.

**DIV10-00008: CITY OF TORRANCE**

Planning Commission consideration for approval of a Division of Lot for a lot-line adjustment between lots 80 and 87 of Tract 19245 and Parcel 4 of the previous lot line adjustment request (portion of Lot 127, Tract 19245) on properties located in the PU and R-1 Zones between Kathryn and Anza Avenues on the south side of Seaside Heroes Park.

Planning Manager Lodan reported that this is the final action necessary to correct property line issues involving the new Seaside Heroes Park and adjacent residential properties.

**MOTION:** Commissioner Busch moved to close the public hearing. The motion was seconded by Commissioner Weideman and passed by unanimous roll call vote (absent Commissioner Browning).

**MOTION:** Commissioner Busch moved to approve DIV10-00006, DIV10-00007, and DIV10-00008, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote (absent Commissioner Browning).

Planning Assistant Yumul read aloud the number and title of Planning Commission Resolution Nos. 10-063, 10-064 and 10-065.

**MOTION:** Commissioner Busch moved to adopt Planning Commission Resolution Nos. 10-063, 10-064 and 10-065. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote (absent Commissioner Browning).

**11B. CUP10-00016: MARIBEL ARCHUNDIA (FOUR CORNERS INVESTMENT CO)**

Planning Commission consideration for approval of a Conditional Use Permit to allow the operation of a restaurant with full service alcohol in a tenant space previously used as a restaurant on property located in the H-PCH Zone at 3879 Pacific Coast Highway.

**Recommendation:** Approval

Planning Assistant Yumul introduced the request.

Referring to Condition No. 6, which states that live entertainment shall be prohibited unless approved by the Planning Commission, Commissioner Weideman related his understanding that the License Review Board is charged with approving Entertainment Permits, and Planning Manager Lodan agreed that the condition should be amended.

Maribel Archundia, applicant, voiced her agreement with the recommended conditions of approval.

Responding to questions from the Commission, Ms. Archundia confirmed that the hours of operation listed in Condition No. 5 were acceptable (6:00 a.m. – 10:00 p.m., Sunday through Thursday; 6:00 a.m. – 12:00 a.m., Friday and Saturday) and that she understood that outdoor seating was prohibited per Condition No. 7. She stated that she did not intend to have live entertainment.

**MOTION:** Commissioner Gibson moved to close the public hearing. The motion was seconded by Commissioner Busch and passed by unanimous roll call vote (absent Commissioner Browning).

**MOTION:** Commissioner Busch moved to approve CUP10-00016, as conditioned, including all findings of fact set forth by staff, with the following modification:

**Modify**

No. 6 That live entertainment shall be prohibited on the premises unless approved by the ~~Planning Commission~~ License Review Board.

The motion was seconded by Commissioner Weideman and passed by unanimous roll call vote (absent Commissioner Browning).

Planning Assistant Yumul read aloud the number and title of Planning Commission Resolution No. 10-066.

**MOTION:** Commissioner Weideman moved to adopt Planning Commission Resolution No. 10-066 as amended. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote (absent Commissioner Browning).

**11C. CUP10-00015, DVP10-00002: CHICK-FIL-A, INC. (SHIRLEY SMITH)**

Planning Commission consideration for approval of a Conditional Use Permit and Development Permit to allow the construction and operation of a new drive-thru restaurant with patio seating on property located in the H-NT Zone at 18200 Hawthorne Boulevard.

**Recommendation:** Approval.

Planning Assistant Yumul introduced the request.

Don Ikeler, development manager of Chick-Fil-A, provided background information about the company, reporting that it is a family-owned, privately held business that emphasizes family values. He noted that its restaurants are closed on Sundays and each owner/operator has only one location, which allows for more supervision. He briefly described the proposed project, explaining that the two existing buildings on the site (5,600 & 2,200 square feet) will be demolished and replaced with a new 4,582 square foot building. He requested that Condition No. 25, which requires the applicant to design a dedicated northbound right-turn lane along Hawthorne Boulevard, be modified stating that the turn lane shall be subject to Caltrans approval and allowing the applicant to pay “in lieu” fees.

Planning Manager Lodan expressed staff's willingness to work with the applicant on the right-turn lane issue.

In response to Commissioner Busch's inquiry, Planning Manager Lodan estimated that in-lieu fees would be approximately \$40,000.

**MOTION:** Commissioner Weideman moved to close the public hearing. The motion was seconded by Commissioner Busch and passed by unanimous roll call vote (absent Commissioner Browning).

**MOTION:** Commissioner Weideman moved to approve CUP10-00015 and DVP10-00002, as conditioned, including all findings of fact set forth by staff, with the following modification:

**Modify**

No. 25 That the applicants shall design a northbound dedicated right-turn lane along property frontage on Hawthorne Boulevard, subject to Caltrans approval or pay in lieu fees to the satisfaction of the Community Development Director ...

The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote (absent Commissioner Browning).

Planning Assistant Yumul read aloud the number and title of Planning Commission Resolution Nos. 10-067 and 10-068.

**MOTION:** Commissioner Weideman moved to adopt Planning Commission Resolution Nos. 10-067 and 10-068 as amended. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote (absent Commissioner Browning).

12. **RESOLUTIONS** – None.

13. **PUBLIC WORKSHOP ITEMS**- None.

14. **MISCELLANEOUS ITEMS** – None.

15. **REVIEW OF CITY COUNCIL ACTION ON PLANNING MATTERS** – None.

16. **LIST OF TENTATIVE PLANNING COMMISSION CASES**

Planning Manager Lodan announced that the November 17, 2010 meeting has been cancelled and the next meeting will be held on December 1, 2010.

17. **ORAL COMMUNICATIONS #2**

**17A.** Commissioner Busch requested information about ethics training. Assistant City Attorney Sullivan reported that the City Attorney's office is short staffed and will not be providing the training and commissioners will be notified of their options.



**17B.** Commissioner Weideman recalled that Commissioners had a lively discussion during a General Plan workshop regarding the requirement that a restaurant taking over a space formerly used as a restaurant must obtain a new Conditional Use Permit if the site has been vacant longer than 90 days and requested that staff provide an information item on this topic.

**17C.** Chairperson Horwich commented on a letter he had received from a resident complaining about view-blocking vegetation planted by a neighbor and suggesting that it was being planted to conceal a future addition so this neighbor could claim that any views blocked by the addition were already blocked by vegetation. He stated that while he understood that there was little that could be done since the City has no laws that address vegetation, he intended to keep the letter for future reference and will speak to this issue should a project be brought forward for this property.

**17D.** Chairperson Horwich suggested that Commissioners might wish to consider attending the League of California Cities annual Planners Institute Conference on March 9-11, 2011 since it will be held in Pasadena.

**18. ADJOURNMENT**

At 9:00 p.m., the meeting was adjourned to Wednesday, December 1, 2010 at 7:00 p.m.

Approved as Submitted January 19, 2011 s/ Sue Herbers, City Clerk
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